Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 10/10/09	Bureau/Station/Facility: FOR III LKD	Admin. Invest.? ☒ Hit? ☐

Incident Information

URN: 409-00036-2003-441	Date: 10/10/09 Time: Approx 1330 Hours
City or Station: Lakewood Station	Nature of Incident: Deputy Smith fired one shot from her duty weapon, failing to report it to a supervisor. It is undetermined if this shooting was intentional or accidental. (X-Ref IV2253504)
Location: 9611 Alondra Boulevard, Bellflower	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, (Street) — circled
Other: ______

Lighting (*circle only one*): Darkness, (Daylight) — circled, Other, Street Lights

Weather (*circle only one*): (Clear) — circled, Cloudy, Fog, Rain

Distance: Unknown

Incident Type (*circle one or more*): Accidental, Armed Person, (Fleeing Suspect) — circled, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, (Unarmed Person) — circled, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot
Other: Undetermined

Initiated by (*circle only one*): Arrest Warrant, (Call) — circled, Observation, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, Routine Patrol

Aero Unit? ☐ Canine Unit? ☐

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
1	0

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	Moore	Jeffrey	L	(On Duty) — circled; Present during shooting; Witness to shooting; Involved in shooting
				On Duty; Present during shooting; Witness to shooting; Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Neeper	Christopher	M.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Gillespie	Daniel	J.

PSTD Use Only
SH # 2259048

SH-R-438A rev. 3/07

See Reverse

Officer Involved Shooting

URN: 409-00036-2003-441

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
10/10/09	2000 Hours		

Employee #	Last Name	First Name	M.I
[redacted]	Cruz (Adler)	Kelly	L.
[redacted]	Denison	Trent	A.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED (one code per block)

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
E#1	S#1	FH	BR	9	Y	Y	NN	

Officer Involved Shooting
Involved Employee Information

URN: 409-00036-2003-441

Involved Employee

E 1

Employee # [redacted]	Last Name: Smith	First Name: Patrina	M.I.: R.
Sex: F Race: B	Rank: DSG	Unit Assignment: FOR III LKD	Work Assignment (Unit #, Module, etc.): 133T2
ShiftTime (*circle only one*): EM PM (Day)	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting: Unknown	Duty Time (hrs): unknown	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted]	Height: 507 Weight: 145		
Range Qualification Date: [redacted]		PPC Qualification Date: [redacted]	Laser Training Date: [redacted]
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted] Prior Shootings? [redacted]	Number of Prior Shootings: [redacted] Directed Force: ☐
Weapons Fired Brand: Beretta	Caliber: 9MM # Shots: 1	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age:	Height: Weight:		
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit: Prior Shootings? ☐	Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber # Shots	Weapons Fired Brand:	Caliber # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age:	Height: Weight:		
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit: Prior Shootings? ☐	Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber # Shots	Weapons Fired Brand:	Caliber # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

URN: 409-00036-2003-441

Suspect Information

S 1

Last Name [redacted]		First Name [redacted]	M.I. [redacted]
AKA Last Name		First Name	M.I.
Sex: M Race: H	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: D.O.B. [redacted]	Height: 506 Weight: 218	FBI # [redacted]	CII # [redacted]
Booking # [redacted]	Primary Charge: [redacted]	Secondary Charge: [redacted]	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

UNIT:	Lakewood Sheriff's Station
DATE:	Saturday, October 10, 2009
TIME:	1350 Hours
LOCATION:	9611 Alondra Boulevard, Bellflower
URN#:	409-00036-2003-441
SUBJECT:	Deputy Patrina Smith #[redacted]
IAB#:	SH 2259048 / IV 2253504

On October 11, 2009, the Internal Affairs Bureau Force responded to Lakewood Sheriff's Station regarding an unreported discharge of a firearm. The team consisted of Sergeant Kelly Cruz, Sergeant Trent Denison and Lieutenant Alicia Ault. At the time investigators arrived, the scene was being preserved. Cynthia Hernandez of the Office of Independent Review was notified of the incident and responded.

Investigators learned that Deputy Patrina Smith, assigned to Lakewood Station, was involved in the incident. Deputy Smith was on-duty, working in uniform. On October 11, 2009, Internal Criminal Investigations Bureau opened an investigation at the request of Lakewood Sheriff Station Captain Christy Guyovich regarding an allegation that Deputy Smith fired her duty weapon at a suspect [redacted] as he ran from her during a Burglary investigation. Scientific Service Bureau confirmed that an expended shell casing recovered at the scene did, in fact, come from Deputy Smith's duty weapon.

During the criminal investigation, Subject Smith resigned from her position as a deputy sheriff and is no longer employed by the Los Angeles County Sheriff's Department.

The Los Angeles County District Attorney did not file charges against Subject Smith.

For further information, see attached Internal Criminal Investigations Bureau case file.

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
INTERNAL CRIMINAL INVESTIGATIONS BUREAU
LEADERSHIP AND TRAINING DIVISION
409-00036-2003-441

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COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT - SUPPLEMENTARY REPORT

DATE: December 21, 2009

FILE NO.: 409-00036-2003-441

C: DISCHARGE OF A FIREARM IN A GROSSLY NEGLIGENT MANNER - 246.3 (a) P.C.

ACTION: ACTIVE / INVESTIGATION CONDUCTED / STATEMENTS TAKEN / EVIDENCE HELD

V: [redacted] MH/38

D: 10-10-09 (SATURDAY) AT APPROXIMATELY1330 HRS

L: 9631 ALONDRA BOULEVARD, BELLFLOWER, 90706

S: PATRINA RENTINA SMITH
DEPUTY SHERIFF, #[redacted]
LAKEWOOD STATION
FIELD OPERATIONS REGION III

****

EVIDENCE HELD: Book 3, Page 038

Item #1: One Expended Shell Casing, 9mm, Luger (Winchester), Damaged

Item #2: One Handgun, Beretta, Model 92F, 9mm, Serial Number BER[redacted] With Ammunition Magazine and Sixteen Rounds of 9mm Live Ammunition

Item #3: One Salley Brown Equipment Belt

Item #4: Various Articles of Deputy Sheriff's Uniforms, Seven Pants and Seven Shirts

Item #5: One Pair of Black Boots

The purpose of this supplementary report is to document my investigation of an alleged grossly negligent discharge of a firearm by Deputy Smith toward [redacted]

I was assigned the investigation of this case by Lieutenant Copplin on 10/11/09, at 1000 hours. On that date, she briefed my partner, Sergeant Petz (#[redacted], regarding the circumstances of the case. Sergeant Petz and I then responded to the Lakewood Sheriff's Station.

While en route to the Lakewood Sheriff's Station, Sergeant Petz received a telephone call from Attorney Mitchell Kander who identified himself as Deputy Smith's representative. Mr. Kander advised Sergeant Petz that Deputy Smith would not be providing a statement.

Once we arrived at the Lakewood Sheriff Station, we contacted the station Watch Commander, Lieutenant Bryan Proctor. Lieutenant Proctor provided us with the following:

- A copy of the incident report **(409-25079-1332-065)** which documents a burglary occurring in the Lakewood Sheriff's area and [redacted] being arrested for that crime. **(EXHIBIT A)**.
- A copy of the unapproved supplemental report written by Deputy Smith in regards to her detention of [redacted] for the above mentioned burglary and his subsequent attempt to evade detention. **(EXHIBIT B)**.
- A copy of the memo written by Lakewood Sheriff Station Lieutenant Ruthie Daily indicating [redacted] statement that he was shot at by Deputy Smith when he fled from her. **(EXHIBIT C)**.
- Printouts **(Exhibit D)** in regards to 10-10-09, of the Day Shift In-Service for Lakewood Station, the Incident Details for incident #LKD09283-0256, Deputy Smith's Unit Details and Deputy Smith's Deputy Daily Worksheet.

We then contacted Sergeant Dan Gillespie and Sergeant Jeffrey Moore at the Lakewood Sheriff Station. Sergeant Gillespie advised us he went to the scene where Deputy Smith attempted to detain [redacted] prior to our response and recovered one expended shell casing. He said the shell casing seemed to be consistent with Sheriff's issue 9mm ammunition and he placed it into the Lakewood Sheriff Station Watch Commander's safe.

Sergeant Gillespie further advised us he was able to obtain a surveillance recording of Deputy Smith's initial contact with [redacted] and he was also able to interview a witness at the scene.

Sergeant Gillespie told us he would be writing a supplemental report regarding his actions and he would send me a copy of the supplemental report upon completion.

After speaking to Sergeant Gillespie, we spoke to Sergeant Moore. Sergeant Moore told us he was the on duty Field Sergeant at the time of the incident and he was never advised by Deputy Smith regarding her firing her duty weapon. He also told us he went to the scene where Deputy Smith initially attempted to detain [redacted] and attempted to locate witnesses to the incident.

Sergeant Moore told us he would be writing a supplemental report regarding his actions and he would send me a copy of the supplemental report upon completion.

Sergeant Moore further advised us that [redacted] had been transferred from the Lakewood Sheriff Station to the Los Angeles County Men's Central jail prior to our arrival.

While at the Lakewood Sheriff's Station, Sergeant Petz and I checked the patrol car (SD5238) Deputy Smith had been assigned to at the time of the incident. The vehicle did not contain any evidence which indicated she had fired her weapon.

After speaking with Sergeant's Gillespie and Moore, Sergeant Petz and I surveyed the approximate location where Deputy Smith initially contacted [redacted] We found no physical evidence at the scene. I also photographed the scene **(EXHIBIT E)**.

On 10-12-09, I received a copy of Sergeant Gillespie's supplemental report with five photographs attached **(Exhibit F)** and Sergeant Moore's supplemental report **(Exhibit G)**. I also received a copy of the voice print of Deputy Smith's radio communications during the incident.

I listened to Deputy Smith's Sheriff's radio broadcast and heard her interrupt a crime broadcast that was being transmitted by unit 133H (Deputy Duncan #[redacted]. I heard the following: "133T2, Give me the patch. I'm chasing a 459 suspect at Ryon. Going at Ryon and Alondra. He's now going eastbound." Deputy Smith then broadcast, "He's now running one street south of Alondra." The voice print was time stamped "10-10-2009, 150 P.M." I did not hear the sound of a gun shot during Deputy Smith's radio broadcasts.

On 10-12-09 Sergeant Petz and I went to the Los Angels County Men's Central Jail facility where [redacted] was being housed. We interviewed [redacted] at 1120 hours in an interview room at the facility. The interview was captured on digital audio and summarized as follows:

[redacted] stated that on the day of the incident, he was walking eastbound on the north sidewalk of Alondra Boulevard toward Bellflower Boulevard, when a female black deputy with short hair (Deputy Smith) pulled her patrol car over and contacted him. He said she had been traveling westbound on Alondra Boulevard prior to the stop. He said she was holding her handgun in her right hand when she exited her vehicle and approached him. He said that upon contacting him, she told him to "pull over" and he asked her why, but she "wouldn't" tell him.

[redacted] said that as he approached Deputy Smith (she was out of her vehicle at this point), he saw that she was holding her gun with both hands and her arms were extended forward and down. He said she was pointing her weapon at his feet and ordering him to, "Come here, Come here." He said he "got scared" when he saw the weapon, so he ran. [redacted] said he began to run southbound across Alondra Boulevard away from Deputy Smith and he heard her yell, "Stop running, Stop, Stop!" and then he heard one gun shot.

[redacted] said he was approximately half way across Alondra Boulevard and his back was to Deputy Smith when he heard the gun shot. He said he did not know how far Deputy Smith was behind him and he did not actually see her fire her weapon. He estimated he heard the gun shot approximately two or three seconds after he began to run from Deputy Smith. He said after he heard the gun shot, he heard a bullet "whiz" by his right side. [redacted] was unable to elaborate on where he heard the bullet pass by him, but he said he knows the sound of a gun shot and the sound of a bullet passing by, as he has fired guns in the past and has been shot at before. He said he didn't see where the bullet ended up. He said Deputy Smith never threatened to shoot him prior to him hearing the gun shot.

[redacted] stated that once he was detained by the police, he was placed in the back seat of a radio car with all of the windows rolled up. While in the back seat of the car, he heard Deputy Smith telling "seven or eight" other deputies at the scene that she had "shot at him." He said he "wasn't really paying attention," so he doesn't know exactly what Deputy Smith told the other deputies.

I advised [redacted] that according to Lieutenant Dailey's memo, when he reported the incident to her, he told her that Deputy Smith shot at him and then he ran away from her. [redacted] replied, "I never said that."

[redacted] said he did not know Deputy Smith nor has he ever had contact with her previously.

Later on 10-12-09, Sergeant Petz and I returned to the scene of the incident and checked the area for further evidence of [redacted] allegation. We found no further evidence.

On 10-12-09 at 1300 hours, Sergeant Petz and I interviewed [redacted] at his place of business [redacted]. The business is located [redacted] from where Deputy Smith parked her patrol vehicle when she contacted [redacted] on the day of the incident. Our interview with [redacted] was digitally audio recorded and the following is a summary of the interview.

[redacted] said that on the day of the incident he was [redacted] a [redacted] inside the classroom at that location. He was [redacted] students and standing along the west wall approximately fifteen feet south of the north wall of the classroom. The north wall consists of a large sliding glass window which runs the length of the wall. He said the curtains adjacent to the sliding glass window were completely open on that day giving him and his students an unobstructed view to the [redacted].

[redacted] said that about 1315 hours, he and his students heard "rapid gunfire" coming from the area of the church which is located [redacted] the street from and to the [redacted] of the [redacted] He said he heard six "pops" and one of his students commented the sound was that of fire crackers. He said he replied, "That's not fire crackers," as he has qualified

to shoot forty-five caliber handguns in the past and he knew the sound of gun fire. To him, the sound he heard that day was gun fire.

[redacted] said that "a few seconds" after the gun fire, someone in his [redacted] said, "Hey someone's running across the street." [redacted] said he looked out the [redacted] facing [redacted] and saw a man running across Alondra Boulevard. He said "a few" seconds after that he saw a female black deputy sheriff chasing after him. The female black deputy sheriff was running with her right hand holding a "dark forty five" handgun. Her arm was fully extended forward, shoulder high and the gun was pointed at the man she was chasing. He said they crossed the street and ran eastbound on the sidewalk which is [redacted] in front of his [redacted] They were headed for two of his students [redacted] and [redacted] who were on the sidewalk waiting for their rides to pick them up. He said that after the man and deputy ran passed the students, he [redacted] went out to check on them and they were "pretty scared." He said [redacted] told him she saw the deputy carrying a gun and a taser.

[redacted] said he did not hear the deputy say anything to the man she was chasing.

Upon completion of the interview, [redacted] provided us with the contact information for the two students who were on the sidewalk, as well as the class roster (**Exhibit H**) of students who were inside the classroom that day. See additional supplemental report for interviews with the students on the class roster.

We later found that the [redacted] had recorded surveillance of the front parking lot and sidewalk area, but it was determined the recording had already been recorded over by the time we spoke to [redacted]

On 10-13-09, at 0800 hours, Sergeant Petz and I responded to [redacted] and interviewed [redacted] (MH/17) and [redacted] (FH/16). Our interviews with them were digitally audio recorded and the following are summaries of the interviews.

[redacted] said that at approximately 1330 hours, on the date of the incident, he was standing with [redacted] in front of the [redacted] waiting for his [redacted] to pick them up. He said they were standing on an elevated stoop which is [redacted] of and adjacent to the [redacted] sidewalk at 9630 Alondra Boulevard in Bellflower.

[redacted] said that at one point he heard "one or two loud popping noises" come from across the street. He looked across the street and saw a radio car and two people. He said he saw one of the people, a male Hispanic in his late thirties or early forties with a moustache and short pants, run from the north curb line into the street. He also saw the other person, a female black "police officer" chase behind him. He said she appeared to be carrying a handgun in her right hand as she ran. He said her arms were moving up and down in a normal running motion, as she ran.

[redacted] said the two ran across the street and up onto the south sidewalk. They proceeded to run eastbound, passing in front of him and [redacted] As they ran by, he saw that the police officer was holding her arm up in a forty-five degree angle, pointing the gun toward the male Hispanic. With her other hand, she was talking into a radio. He said he heard her yell for the male Hispanic to "freeze" and he also heard her talking into her radio. [redacted] said he did not hear the male Hispanic say anything to the police officer.

[redacted] said that after the two ran by, they ran south onto Ryon Avenue and out of view. At that point, he and [redacted] went back inside the traffic school.

[redacted] drew a sketch (**Exhibit I**) of the scene, showing where he was standing and the path Deputy Smith and [redacted] took that day. This concluded the interview.

We next interviewed [redacted]. She said she that on the date of the incident, when she finished her [redacted], she stood in front of the [redacted] with [redacted] and waited for his [redacted] to come pick them up. As she stood on the sidewalk she faced [redacted] who was standing on top of an elevated stoop which lays adjacent to the sidewalk. [redacted] said her back was to the street and [redacted] was facing the street.

[redacted] said suddenly, as they stood there, she heard the sound of one "shot." She said she turned in the direction of the sound, toward the street and saw a guy in his late thirties or early forties running southbound across the street toward them. She also saw a female black "cop" chasing after him. She said the two were almost to the south curb line when she first saw them. She said they both ran up onto the sidewalk and ran eastbound past her. She said they came to within a foot of her as they ran by. [redacted] said that once they reached the corner, they turned and she ([redacted]) ran back into the [redacted]

[redacted] said the female black deputy was carrying a black handgun as she chased the male. She said the deputy was holding the gun with both hands and had her arms outstretched forward with her hands between waist and shoulder height. She said the barrel of the gun was pointing forward.

[redacted] said she heard the deputy yelling for the male to "Please stop." Isabel [redacted] also said the male wasn't running very fast and it appeared the deputy was afraid and didn't want to catch him as she ran behind him.

[redacted] said she did not know where the round struck after she heard the shot.

[redacted] drew a sketch (**Exhibit I**) of the scene, showing where she stood in relation to the path of the male and the deputy. Sergeant Petz also drew a sketch (**Exhibit I**) of the scene and with the assistance of [redacted] designated where the male ("H" in the sketch) and the deputies ("C" in the sketch) were when [redacted] turned toward the sound of the "shot." This concluded the interview.

On 10-13-09, Sergeant Petz and I met with Sergeant Trent Dennison (#[redacted] of the Sheriff's Internal Affairs Bureau. He briefed us regarding his interview with [redacted] and subsequently provided me with a digital audio recording of the interview, as well as the transcripts (**Exhibit J**) of the recording.

On 10-13-09, Sergeant Petz responded to the Lakewood Sheriff's Station and received the expended shell casing (**Evidence Held Item #1**) that was recovered at the scene where Deputy Smith contacted [redacted] Sergeant Petz received the shell casing from Lieutenant Proctor.

On 10-14-09, the Honorable Judge Maral Injejikian of the East Los Angeles Superior Courthouse signed a Search Warrant allowing me to search Deputy Smith's assigned lockers at the Lakewood Sheriff Station and retain any evidence that may reveal Deputy Smith fired her duty weapon on the day of the incident. A copy of the Search Warrant will remain in the Investigative File.

On 10-15-09, Sergeant Petz and I served the Search Warrant on Deputy Smith's assigned lockers at the Lakewood Sheriff's Station. Inside the interior female locker room, locker number 57, we recovered one handgun, Beretta, Model 92F, 9mm, Serial Number BER[redacted] containing one ammunition magazine and sixteen rounds of 9mm Live Ammunition (**Evidence Held Item #2**), one Sally Brown equipment belt (**Evidence Held Item #3**), various articles of deputy sheriffs' uniforms, including seven pants and seven shirts (**Evidence Held Item #4**) and one pair of black boots (**Evidence Held Item #5**). We searched exterior "War Bag" locker numbered 141, but recovered no items. A video recording of our searches was conducted and the video tape will be kept inside the case file.

On 10-19-09 Sergeant Petz and I delivered the recovered shell casing (**Evidence Held Item #1**) and the recovered Beretta handgun (**Evidence Held Item #2**) to the Los Angeles County Sheriff's Department's Scientific Services Bureau. Under lab receipt #K143465 I requested the shell casing be examined for the presence of finger prints. Under lab receipt #K143465, I requested a Drug Fire comparison between the expended shell casing and Deputy Smith's duty weapon in order to determine whether Deputy Smith's duty weapon fired the expended shell casing.

On 10-20-09, I ran [redacted] criminal history (**Exhibit K**) using the Los Angeles Consolidated Criminal History System.

On 10-27-09, Sergeant Petz and I responded to "[redacted]" ([redacted] at 1100 hours. We contacted [redacted] (MH/25) who told us he was working at the location on the day of the incident. He said he was working in the rear of the location at the time of the incident and he did not witness Deputy Smith's contact with [redacted] or hear any gun shots. He told us he was working with "[redacted]" and "[redacted] on the day of the incident. "[redacted]" was not at the location while we were there. See Sergeant Gillespie's supplemental report regarding his `interview with [redacted]

On 11-02-09, at 1300 hours, Sergeant Petz and I presented the video surveillance recording of Deputy Smith's contact with [redacted] to Deputy Daniel Beers (#213486) of the Sheriff's Technical Operations. After viewing the surveillance recording several times, Deputy Beers advised us the recording contained insufficient resolution to determine whether or not Deputy Smith fired her weapon. Deputy Beers provided us with still images (**Exhibit L**) from the surveillance recording.

On 11-05-09, at 1500 hours, Sergeant Petz and I contacted [redacted] FH/27 at [redacted] in [redacted] She said she was working at the location on the day of the incident, but was in the rear when the incident occurred and she didn't see Deputy Smith's contact with [redacted] or hear any gun shots.

On 11-10-09, I received a notice (**Exhibit M**) from the Los Angeles County Sheriff's Department Scientific Services Bureau indicating the recovered expended shell casing (**Evidence Held Item #1**) had been processed and no latent finger prints were developed.

On 11-19-09, at 1000 hours, Sergeant Petz and I met with Supervising Criminalist Kenneth Howard (#[redacted] at the Sheriff's Scientific Services Bureau. He told us the evidence in this case did not meet the laboratory's criteria for the process of examination for and extraction of DNA material.

The following thirteen interviews are with department personnel, who either responded to [redacted] location while he was being detained and the field show-ups were being conducted, or spoke to Deputy Smith after the incident. None of these individuals heard Deputy Smith say she fired her weapon.

At the commencement of each interview, Sergeant Petz advised each individual that we were from the Internal Criminal Investigations Bureau and investigate allegations of criminal acts committed by Department members. Sergeant Petz told them that although they were not the subject of this investigation, we believed they could possibly provide information that could aid us in the investigation of this case and that any statements they were to make would be included in investigative documentation that could be investigated administratively in the future. All of the personnel said they understood and agreed to talk to us about the incident.

On 10-15-09, at 1200 hours, Sergeant Petz and I interviewed **DEPUTY VICTOR SOLIS,** Employee #[redacted] The interview was conducted inside the Lakewood Sheriff's Station. The interview was captured on a digital audio recorder. The following is a summary of that interview.

Deputy Solis said he was working in the field on the day of the incident and his partner was Deputy Duncan, his [redacted] He said that during the course of his shift, information was broadcast over Sheriff's "L-Tac" that a robbery had just occurred in Bellflower. He said as a training unit, he began to set up a "loose" containment of the area, using his radio. The call was dispatched to his unit as a "Burglary- Just Occurred" call and he continued setting up the containment. At one point, a helicopter unit from the Sheriff's Aero Bureau

was over head and advised him the containment was unsatisfactory. Deputy Solis said in light of this information, he "broke the containment down and treated the call as a report call."

Deputy Solis said he and Deputy Duncan then responded to the location of the burglary and contacted the victim. Once Deputy Duncan obtained the pertinent information regarding the burglary, he began to broadcast a crime broadcast over Sheriff's Radio to his assisting patrol units. While Deputy Duncan was broadcasting, emergency radio traffic was broadcast by Deputy Smith that she was in foot pursuit of the burglary suspect. Deputy Duncan stopped broadcasting and they (Deputy Solis and Deputy Duncan) then stayed with the victim.

Deputy Solis said that once Deputy Smith's suspect [redacted] had been detained, he transported the three victims to the location the suspect was being detained. He said there were several patrol units at this location (Harvard Avenue), but he did not see Deputy Smith there. He said when the deputies were conducting the field show-up, the suspect was removed from a radio car and viewed by the victims.

Deputy Solis said he didn't speak to Deputy Smith until much later that day, back at Lakewood Station. He spoke to her about her foot pursuit and told her he was going to incorporate her supplemental report regarding her foot pursuit into his report of the burglary and subsequent arrest of a suspect. Deputy Smith told Deputy Solis she saw the suspect, told him to stop, he "took off running," so she chased after him. Deputy Smith showed Deputy Solis her supplemental report which she was writing on the computer. He said he read it and it seemed "vague."

Deputy Solis said that at no time did Deputy Smith tell him she shot at the suspect, fired her weapon, had an accidental discharge of her weapon or that the suspect fired a weapon at her. Deputy Solis also denied ever hearing a gun shot during the handling of the incident.

On 10-15-09, at 1216 hours, Sergeant Petz and I interviewed **DEPUTY SALVADOR RIOS**, Employee #[redacted]. The interview was conducted inside the Lakewood Sheriff's Station. The interview was captured on a digital audio recorder. The following is a summary of that interview.

Deputy Rios said he was working his normal assignment (136D) in patrol on the day of the incident. He said he heard the broadcast of a "Burglary-Just Occurred" and he began to check the area for the suspect. He said he also heard Deputy Smith make an emergency broadcast over her radio, but he didn't remember what she said.

Deputy Rios said he was on a dead end street, west of Clark Avenue when he heard Deputy Smith initiate her broadcast. He said he was approximately one quarter of a mile from Deputy Smith at that point and did not hear the sound of a gunshot or gunshots. He added that he did not hear a gunshot or gunshots during the entire incident.

Deputy Rios said that during the containment of the area, he was posted at the south end of a trailer park and "far" from Harvard Street where the suspect was ultimately detained. He said once the suspect was detained, he never went to the scene where the suspect was being detained (Harvard Street). He said he returned to his patrol area in the City of Paramount once the suspect was detained.

Deputy Rios said he had not spoken to Deputy Smith since the incident. This concluded the interview.

On 10-15-09, at 1235 hours, Sergeant Petz and I interviewed **DEPUTY GRANT OBERLE**, Employee #[redacted] The interview was conducted inside the Lakewood Sheriff's Station. The interview was captured on a digital audio recorder. The following is a summary of that interview.

Deputy Oberle said he was partnered with his[redacted](Deputy Avila) on the day of the incident and working as unit 132, a Lakewood [redacted] car. He said he was scheduled to end his shift at 1400 hours. At 1350 hours, he and his partner were in the Lakewood Sheriff Station parking lot when he heard the call of a burglary to a residence broadcast. He said he and his partner monitored the handling of the call over the radio, until he heard a female deputy broadcast over her radio that the suspect was running from her.

Deputy Oberle said he and his partner responded to the area where the suspect was running and took a containment spot along the railroad tracks that are located to the rear of a mobile home park. The mobile home park is on Alondra Boulevard and he and his partner were on Pacific Avenue, south of Alondra Boulevard. He said he and his partner stood in a dirt area during the containment and monitored radio traffic.

Deputy Oberle said that once the suspect was detained, he and his partner returned to the Lakewood Sheriff Station and ended their shift. The time was approximately 1430 hours. He said he and his partner never responded to the scene where the suspect was being detained.

Deputy Oberle said he had not seen nor spoken to Deputy Smith since that day. This concluded the interview.

On 10-15-09, at 1255 hours, Sergeant Petz and I interviewed **DEPUTY OTONIEL AVILA JR.**, Employee #[redacted] The interview was conducted inside the Lakewood Sheriff's Station. The interview was captured on a digital audio recorder. The following is a summary of that interview.

Deputy Avila said he was working with Deputy Oberle as Lakewood patrol unit 132 on the day of the incident. He said he heard the radio broadcast of a "Burglary-Just Occurred" transmitted that day. He said at one point he heard an unknown female deputy broadcast over her radio that she was following the suspect.

Deputy Avila said he and Deputy Oberle then responded to the area where the unknown female broadcast from and took a position on a containment. He said they positioned themselves to the rear of a trailer park. They stayed at that location until they heard the suspect had been apprehended. He said they then returned to the station and ended their shift.

Deputy Avila said he did not hear a gunshot prior to, during or after the female transmitted her broadcast. He said he knew who Deputy Smith was, but he doesn't know her personally. He said he had not spoken to her since that day. Deputy Avila said he was unaware Deputy Smith may have fired her weapon during the incident that day, until we spoke to him. This concluded the interview.

On 10-15-09, at 1310 hours, Sergeant Petz and I interviewed **DEPUTY CHRISTIE MAUTIER**, Employee #[redacted] The interview was conducted inside the Lakewood Sheriff's Station. The interview was captured on a digital audio recorder. The following is a summary of that interview.

Deputy Mautier said that on the day of the incident, she called in sick and she did not work. She said she was not in the Lakewood Station or in the City of Bellflower that day. She described her relationship with Deputy Smith as "medium." She said she knew her because they had lockers next to each other and they both worked day shift.

Deputy Mautier said she called Deputy Smith on the day she saw that locks had been placed on Deputy Smith's lockers. She believes it was at the end of her shift on either Sunday, 10/11/09 or Monday, 10/12/09 when she called her.

Deputy Mautier said she called Deputy Smith and said, "Don't tell me anything, I don't want to know anything or be a part of it, but did you know your lockers have locks on them?" Deputy Smith replied, "Okay." Deputy Mautier said Deputy Smith "seemed upset," but she couldn't understand what Deputy Smith was saying, as Deputy Mautier was on a treadmill during their conversation. She said she did not hear Deputy Smith say anything about the incident.

On 10-15-09, at 1320 hours, Sergeant Petz and I interviewed **DEPUTY CESAR MAYORGA-RUGAMA**, Employee #[redacted] The interview was conducted inside the Lakewood Sheriff's Station. The interview was captured on a digital audio recorder. The following is a summary of that interview.

Deputy Mayorga-Rugama said that he was working unit 136E, a day shift / pm shift overlap car in the City of Paramount on the day of the incident. He heard the broadcast of a "Burglary-Just Occurred" call in Bellflower over his radio and he responded to the call. He said he did not hear anyone broadcast they were in foot pursuit while he was en route to the call.

He said once he arrived in the area, he took a containment position at Harvard Street and some unknown street. He is not familiar with the streets in Bellflower, as he doesn't

normally work in the City of Bellflower. Deputy Mayorga-Rugama said that at one point the suspect stepped out to him and other deputies on Harvard Street and it was he (Deputy Mayorga-Rugama) who placed the handcuffs onto the suspect. He said he did not remember which deputies were behind him when he detained the suspect. He said once the suspect was detained, the suspect was placed into the back seat of a radio car.

Deputy Mayorga-Rugama said he saw Deputy Smith who was with Deputy Castaneda while the containment was being held, but he didn't remember seeing her once the suspect was being detained.

Deputy Mayorga-Rugama said there were several deputies at the scene where the suspect was being detained and the Field Show-Up was being conducted, but he was unable to name any of them. He said no one at the scene said anything about a shot being fired.

Deputy Mayorga-Rugama said he knew Deputy Smith only from working with her and she never said anything to him about firing her weapon during the incident. This concluded the interview.

On 10-15-09, at 1335 hours, Sergeant Petz and I interviewed **SERGEANT BRIAN BISHOP**, Employee #[redacted] The interview was conducted inside the Lakewood Sheriff's Station. The interview was captured on a digital audio recorder. The following is a summary of that interview.

Sergeant Bishop said he was working as a P.M. Shift Field Supervisor on the day of the incident. He was working unit 131S which covers the Cities of Lakewood, Artesia and Hawaiian Gardens. He said that when he heard the broadcast of a burglary that had just occurred in Bellflower over his radio, he responded toward the victim's residence. He said he responded to assist Sergeant Moore who was working unit 130S. Unit 130S covered the Cities of Bellflower and Paramount.

He said while he was en route to the victim's residence, he heard a female deputy broadcast over her radio that she was in foot pursuit. At the time he thought it was Deputy Martin, but he later learned it was Deputy Smith. He said he then began to respond to the area where the foot pursuit was occurring.

Sergeant Bishop said he met with Sergeant Moore at Harvard Street and Orchard Street and he saw the suspect walking out of some apartments located on Harvard Street. Several Deputies arrived and took the suspect into custody. Once it appeared that no force had been used in the detention and Sergeant Moore advised him he didn't need any further assistance, Sergeant Bishop returned to his patrol area.

Sergeant Bishop said he did not see Deputy Smith at any of the locations he responded to that day, nor did he hear any gunshots during the handling of this incident. He said no one reported to him regarding firing their weapons or hearing gunshots that day. He said he did not fire his weapon that day.

Sergeant Bishop told us he had not seen Deputy Smith since the day of the incident.

On 10-15-09, at 1350 hours, Sergeant Petz and I interviewed **DEPUTY DANIEL CASTANEDA**, Employee #[redacted] The interview was conducted inside the Lakewood Sheriff's Station. The interview was captured on a digital audio recorder. The following is a summary of that interview.

Deputy Castaneda said that on the day of the incident, he was working day shift from [redacted] hours to [redacted] hours. He was working patrol unit 133, in the city of Bellflower. He said he was at the Lakewood Sheriff Station when he heard a radio broadcast that a burglary had just occurred in the City of Bellflower. He said he responded to Bellflower and began "roaming," in search of the suspect described in the call.

Deputy Castaneda said he was traveling northbound on Stevens Avenue, mid-block between Darnell Street and Linden Street when he heard "10-33" (emergency) radio traffic broadcast. He recognized the person transmitting the broadcast as his "sister car," Deputy Smith. He said the radio transmission was "garbled," but he heard her say, "I'm chasing...Alondra and Ryon." Deputy Castaneda immediately turned his car around and drove toward those two cross streets.

Deputy Castaneda said he was approximately one to two hundred yards from the corner of Alondra Boulevard and Ryon Avenue when he heard Deputy Smith's broadcast and he heard no gun shots prior to, during or after her broadcast.

Deputy Castaneda responded directly to Alondra Boulevard and Ryon Avenue where he found Deputy Smith standing on the south side of the Alondra Boulevard. She pointed southbound down Ryon Avenue and told Deputy Castaneda, "He went that way." He did not see whether or not Deputy Smith was holding her gun. Deputy Castaneda said he drove southbound on Ryon Avenue and was directed by residents of the whereabouts of the suspect. He stopped at Ryon Avenue and Harvard Street where he saw the suspect jump over a fence at a residence. Deputy Smith ran up to him and she was out of breath. A field sergeant was on scene by that time and told he and Deputy Smith to stay at their location in order to maintain a containment.

At one point, Deputy Castaneda saw the suspect come out from the rear yard of a woman's shelter located in the mid-block of Harvard Street. He then heard radio traffic indicating the suspect was being taken into custody. Deputy Smith and other deputies responded to the scene while he held his position.

Once Deputy Castaneda heard over the radio the situation was "Code 4" (secure), he went to the location where the suspect was being detained. Deputy Castaneda said he, as well as Deputy Smith and other deputies were at the scene during the Field Show-Up procedures. He was only able to name Deputy Martin as being one of the other deputies at the scene at that time.

Deputy Castaneda said that he, Deputy Smith, Deputy Martin and other deputies were standing fifteen-to-twenty feet away from the suspect who was seated inside a radio car during the Field Show-Up. The suspect was seated in the back seat behind the driver's seat of the radio car with the rear windows up, but the driver's door window may have been down. The radio car was parked along the north curb of Harvard Street and the deputies were standing across the street and slightly ahead of the radio car.

Deputy Castaneda said he and the other deputies engaged in conversation regarding the incident. He said Deputy Smith's demeanor seemed "normal" and she was laughing. She made comments such as, "Why does it always happen to me?," "I'm the one who always finds these people." "I'm always getting these things dropped in my lap." Deputy Castaneda said Deputy Smith was "joking" when she continued, "Never again. It always happens to me." He said Deputy Smith never mentioned firing her gun. Deputy Castaneda said Deputy Smith appeared "calm" and not like someone who would be worried or under pressure. He said he is unsure who (Deputy Smith or himself) left the scene first, but he knew they didn't leave at the same time.

Deputy Castaneda drew a sketch (**Exhibit N**) showing where the suspect was in relation to the group of deputies who were discussing the incident.

Deputy Castaneda said he did not know Deputy Smith prior to her being assigned to the Lakewood Sheriff Station. He said although they commonly work "sister cars" (work the same area), they did not socialize while on duty. He does not socialize with her off-duty either and he had not spoken to her since the incident.

Deputy Castaneda said he did not hear any gunshots during the incident that day, nor did any of the other responding deputies tell him they heard a gunshot or gunshots. He also said none of the other responding deputies told him they were told by Deputy Smith that she had fired her gun that day.

On 10-27-09, at 1210 hours, Sergeant Petz and I interviewed **DEPUTY MICHAEL DUNCAN**, Employee [redacted] The interview was conducted inside the Lakewood Sheriff's Station. The interview was captured on a digital audio recorder. The following is a summary of that interview.

Deputy Duncan said that on the day of the incident he and his [redacted] (Deputy Solis) responded to Flora Vista Street in response to a "Burglary- Just Occurred" call. He said he and his partner obtained crime information from the victim and witnesses and he proceeded to broadcast the information over his Sheriff's radio. He said that during his crime broadcast he was interrupted by another deputy who began broadcasting information over the radio. Deputy Duncan said he did not know what that information was nor did he hear a Foot Pursuit Broadcast.

Deputy Duncan said he went in and out of the victim's residence while he was gathering information about the burglary. He said he was outside, in front of the victim's residence on Flora Vista Street when he began to broadcast the crime broadcast. He estimated the

location as being four to five blocks from Alondra Boulevard and Ryon Avenue and he said at no time while he was on Flora Vista Street, did he hear any gunshots.

Deputy Duncan said while on Flora Vista Street, he and Deputy Solis became aware that a suspect was being detained and after approximately five-to-ten minutes transported the victim to the suspect's location. He said they stayed in their patrol vehicle while conducting the field show-up and while the suspect was removed from a patrol vehicle. He said there were five or six deputies at the scene of the show-up and that is when he heard "someone" speak of a foot pursuit. He said he heard no one speak of a shot being fired. Deputy Duncan said he, his partner and the victim returned to the victim's residence after the field show-up. He said he remained there while his partner transported more victim's to the suspect's location.

Deputy Duncan said he did not know Deputy Smith and he did not recall her being at the scene of the field show-up. He said he did not speak to her on the day of the incident, nor had he spoken to her since.

On 10-27-09, at 1245 hours, Sergeant Petz and I interviewed **DEPUTY SHELBY MARTIN**, Employee #[redacted] The interview was conducted inside the Lakewood Sheriff's Station. The interview was captured on a digital audio recorder. The following is a summary of that interview.

Deputy Martin said she was working on the day of the incident and was assigned to assist the handling unit on a "Burglary-Just Occurred" call. She said that while en route, she was assigned to handle a "9-1-1 Hang Up" call which was generated from the same street as the burglary call. She said she believed the two calls were "connected," so she responded and took a containment position on Santa Ana Street. Santa Ana Street is one street north of Flora Vista Street.

Deputy Martin said once she arrived at her position on Santa Ana Street, she exited her vehicle and spoke to witnesses in the area. She said that while she was standing at her position, she heard a crime broadcast on her hand held radio. She also heard Deputy Smith broadcast that she (Deputy Smith) was chasing the suspect. Deputy Martin estimated the distance from where she was standing to Alondra Boulevard and Ryon Street as one half mile. Deputy Martin said at no time did she hear any gun shots while she was at this location.

After hearing Deputy Smith's broadcast, Deputy Martin said she responded to Deputy Smith's location. She said she traveled eastbound on Alondra Boulevard to southbound Ryon Street to eastbound Harvard Street. When she arrived at Harvard Street, she saw other deputies on the street who were facing eastbound. She then saw [redacted] run northbound from an apartment complex on Harvard Street and she assisted the other deputies in the detention of [redacted] She said she never saw Deputy Smith at the scene of the detention or the scene of the field show up. She said she did hear Deputy Smith broadcast there was a positive identification made of the burglary suspect.

Deputy Martin said that when the field show ups were concluded she followed the transporting vehicle of the suspect back to the Lakewood Station. She said it was while en route to the station, she received a telephone call from Deputy Smith. Deputy Smith was concerned about whether or not she (Deputy Smith) had gone in foot pursuit of the suspect and Deputy Martin told her that based on what she heard in the radio broadcast, she believed she had.

Once at the Lakewood Sheriff Station, Deputy Martin heard a recording of Deputy Smith's broadcast. She called Deputy Smith and told her she had heard the broadcast again and she (Deputy Smith) did go in foot pursuit of the suspect. Deputy Martin said Deputy Smith "absolutely never" mentioned firing her weapon during either of their two conversations.

Deputy Martin said she knows Deputy Smith fairly well from training and working together, but they don't socialize together off duty and she doesn't know Deputy Smith "so well" on a personal level. This concluded the interview.

On 10-27-09, at 1305 hours, Sergeant Petz and I interviewed **DEPUTY ELISIO LOPEZ JR.**, Employee #[redacted] The interview was conducted inside the Lakewood Sheriff's Station. The interview was captured on a digital audio recorder. The following is a summary of that interview.

Deputy Lopez said he was working in the City of Lakewood on the day of the incident. He said he heard a crime broadcast on his radio in regards to a burglary occurring in Bellflower. He said he also heard Deputy Smith Broadcast emergency traffic.

Deputy Lopez said after hearing the radio broadcasts he responded to Bellflower and took a containment position at Flora Vista Street and Bellflower Boulevard. He said he was at this location for approximately two to three minutes before hearing over his radio that the suspect had been detained. Deputy Lopez said that upon hearing this information, he returned to the City of Lakewood. He said he did not respond to the scene where the suspect was being detained.

Deputy Lopez said he did not know Deputy Smith well and he had only worked with her "a couple of times" when he worked in the City of Bellflower. He said she never told him she fired her weapon on the day of the incident. He also said he was only aware of the allegations from rumors he has heard around the station. He said no one had told him they witnessed Deputy Smith fire her weapon or that she told them she had. This concluded the interview.

On 11-03-09, at 1400 hours, Sergeant Petz and I interviewed **DEPUTY KRISTIN SOISETH,** Employee #[redacted] She had been transferred to the Temple Sheriff's Station from the Lakewood Sheriff Station at some point after the incident and the interview was conducted inside the Temple Sheriff's Station. The interview was captured on a digital audio recorder. The following is a summary of that interview.

Deputy Soiseth said she was working a one person patrol unit on the day of the incident. She said she responded to a "Burglary-Just Occurred " call in the City of Bellflower and took a containment position along a set of railroad tracks south of a mobile home park located on Alondra Boulevard. She was approximately one to two hundred yards from Alondra Boulevard while at that position.

Deputy Soiseth said she met with her [redacted] (Deputy Oberle) at that location and stayed there until he told her to take a position on Alondra Boulevard, at the entrance of a mobile home park. She said a short time later she heard on her radio that a suspect was being detained, so she returned to her assigned patrol area. She said she never went to the location where the suspect was detained, nor was she advised of a debriefing following the incident.

Deputy Soiseth said when she was positioned south of the mobile home park, she had a clear view of Alondra Boulevard, but she never saw Deputy Smith nor heard a gun shot during that time. She said when she moved her position to the entrance of the mobile home park she did not see Deputy Smith or hear a gun shot either.

Deputy Soiseth said she knew who Deputy Smith was, but she did not know her personally. Deputy Soiseth said she had not spoken to Deputy Smith since the incident. She said that because she worked the P.M. Shift at Lakewood Station, she rarely worked with Deputy Smith who works day shift and the last time they worked together was last Christmas Eve.

On 10-27-09, at 1400 hours, Sergeant Petz and I interviewed **DEPUTY NICOLE CARBALLO**, Employee #[redacted] The interview was conducted inside the Lakewood Sheriff's Station. The interview was captured on a digital audio recorder. The following is a summary of that interview.

Deputy Carballo said on the date and time of the incident she was working a City of Lakewood patrol unit. She said after hearing a "Burglary- Just Occurred" radio broadcast, she responded to the City of Bellflower and assumed a "loose" containment position in the area. She said at one point the Field Sergeant cancelled the containment and advised the field units the suspect was known and he could be caught at a later time.

Deputy Carballo said that after the containment was cancelled, she went to the suspect's last known residence on [redacted] in [redacted]. She said while she was conducting a "door knock" at that location, she heard Deputy Smith broadcast emergency radio traffic. Deputy Carballo said she heard Deputy Smith say "something about" the suspect, Alondra Boulevard and Ryon Avenue. She said [redacted] is "several" blocks from Alondra Boulevard and Ryon Avenue.

Deputy Carballo said she responded to Alondra Boulevard and Ryon Avenue and ultimately assisted in the detention of [redacted] She said once [redacted] was detained, a debriefing of the incident was conducted. The de-briefing was attended by between six-to-ten deputies and Deputy Smith was among them. She said Deputy Smith was "as excited as we all would be after a foot pursuit," but she never mentioned firing her

weapon during the incident. Deputy Carballo said the de-briefing was held approximately a car length from the patrol vehicle where [redacted] was sitting. He was out of breath and mad about being detained. She said she knows the rear windows of the patrol vehicle were up, but she is unsure whether the front windows were up or down as [redacted] sat in the vehicle. She said it is "quite possible" [redacted] heard what was being said at the debriefing. Deputy Carballo said she returned to her assigned area after the debriefing concluded.

Deputy Carballo said she had not spoken to Deputy Smith since the day of the incident and she knew her "only" from working with her at the same station. Deputy Carballo said she didn't hear any gun shots during the course of the incident that day and she was as "shocked" as everyone else at the station later that night, when they "all" heard Deputy Smith may have fired her weapon.

On 11-12-09, using the program "Google Earth" on the internet, I printed an aerial photograph (**Exhibit O**) of the area in the City of Bellflower where the incident occurred. The photograph denotes [redacted] (location of burglary), 9612 Alondra Boulevard (location where Deputy Smith contacted [redacted] and [redacted] (location where [redacted] was detained). Also denoted are the locations of Deputies Castaneda, Oberle, Avila and Soiseth when Deputy Smith broadcast her emergent radio traffic.

On 12-17-09, I received a Firearms Report (**Exhibit P**) from Los Angeles County Sheriff's Department Senior Criminalist Phil Teramoto. In his report, he indicated the expended shell (**EV-1**) had been fired by Deputy Smith's issued duty weapon (**EV-2**).

The facts of this case will be submitted to the Justice Systems Integrity Division of the Los Angeles County District Attorney's Office for review.

BY: SERGEANT JOHN KNIEST, #[redacted]
APPROVED BY: LIEUTENANT DONNA COPPLIN, #[redacted] 12-31-2009, 1054 HOURS DC
INTERNAL CRIMINAL INVESTIGATIONS BUREAU
LEADERSHIP AND TRAINING DIVISION

LOS ANGELES COUNTY DISTRICT ATTORNEY
CHARGE EVALUATION WORKSHEET

X FELONY MISDEMEANOR	AGENCY NAME LASD - INTERNAL AGENCY FILE NO. (DR OR URN) 409-00036-2003-441	DA CASE NO. 30772148 DA OFFICE CODE J.S.I.D. #10-0015R	DATE 03/18/2010 VICTIM ASSISTANCE REFERRAL ☐ YES – NOTIFY VWAP ☐ NO

SUSP NO.	SUSPECT	CODE	SECTION	OFFENSE DATE	REASON CODE
1	NAME (LAST, FIRST MIDDLE)) SMITH, PATRINA	PC	246.3(A)	10/10/2009	B
	DOB [redacted] SEX (M/F) F BOOKING NO. VIP -- Yes X No				
	___ Gang Member Name of Gang				
	___ Victim Gang Member Name of Gang:				
2	NAME (LAST, FIRST MIDDLE))				
	DOB SEX (M/F) BOOKING NO. VIP -- Yes -- No				
	Gang Member Name of Gang				
3	NAME (LAST, FIRST MIDDLE))				
	DOB SEX (M/F) BOOKING NO. VIP -- Yes -- No				
	Gang Member Name of Gang				

Comments

SEE ATTACHED.

COMPLAINT DEPUTY (print)	COMPLAINT DEPUTY (SIGNATURE)	STATE BAR NO.	REVIEWING DEPUTY (SIGNATURE)
JASON P. LUSTIG/ap	[signature]	132482	[signature]

I have conveyed all relevant information to the above-named Deputy District Attorney to be used in consideration of a filing decision.

FILING OFFICER (PRINT): SERGEANT JOHN KNIEST FILING OFFICER (SIGNATURE): MAILED 3/26/10 SERIAL # 043243

DEPARTMENT OF JUSTICE REASON CODES (FORM 8715)

A. Lack of Corpus
B. Lack of Sufficient Evidence
C. Inadmissible Search/Seizure
D. Victim Unavailable/Declines To Testify
E. Witness Unavailable/Declines to Testify
F. Combined with Other Counts/Cases
G. Interest of Justice
H. Other (Indicate the reason in Comments section)
I. Referred to Non-California Jurisdiction
J. Deferred for Revocation of Parole
K. Further Investigation
L. Prosecutor Prefiling Deferral

DISTRICT ATTORNEY'S REASON CODES

M. Probation Violation filed (in lieu of)
N. Referred to City Attorney for Misdemeanor Consideration

LAST NAME: SMITH FIRST NAME: PATRINA DA CASE NUMBER: 30772148

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The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of allegations that Los Angeles County Deputy Sheriff Patrina Smith, #[redacted] discharged a firearm in a negligent manner in violation of Penal Code section 246.3(a). For the reasons set forth below, this office declines to initiate criminal proceedings against Patrina Smith.

The following analysis is based on reports prepared by the Los Angeles County Sheriff Department (LASD), submitted to this office on January 7, 2010, by Sergeants John Kniest and William Petz of the Internal Criminal Investigations Bureau (ICIB). Compelled statements, if any exist, were not considered as part of this analysis.

FACTUAL ANALYSIS

On October 10, 2009, at about 1:49 p.m., Deputy Smith was driving a marked patrol car west on Alondra Boulevard in response to a broadcast of a residential burglary on Flora Vista Street in the City of Bellflower. Smith saw [redacted] who matched the description of the burglary suspect, walking east on the north sidewalk of Alondra Boulevard. [redacted] was wearing a dirty baseball cap, sweating and appeared to be nervous.

Smith exited the patrol car and tried to detain [redacted] by ordering him to stop and place his hands on the hood. At about this point, Smith's firearm discharged and [redacted] ran away.[1] Smith ran after [redacted] south across Alondra Boulevard and east on Alondra to Ryon Avenue [redacted] continued running south on Ryon Avenue to Harvard Street out of Smith's view. Smith returned to her patrol car and drove to assist other deputies who ultimately captured [redacted] in the [redacted] block of Harvard Street. [redacted] had heroin in his pocket and was identified in a field show up by the burglary victim.[2]

In her supplemental report in the [redacted] burglary investigation, Smith did not mention that her firearm discharged. Similarly, Smith never mentioned that her firearm discharged to the 13 interviewed deputies and supervisors with whom she interacted during and after the arrest. None of the law enforcement witnesses heard any gunshots. This issue came to light during a routine jail check on the evening of the arrest, when [redacted] notified a lieutenant that he ran from a female deputy after she shot at him.

Smith did not make any statements regarding the incident.

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[1] The next day, at 6:30 a.m., Sergeant Gillespie recovered a shell casing, determined to have been fired from Smith's firearm, on Alondra Boulevard where Smith first contacted [redacted]

[2] In case number VA112511, the Los Angeles County District Attorney's office filed [redacted] and [redacted] On January 14, 2010, [redacted] When they were contacted about attending a pre-preliminary hearing line-up, the victim and his [redacted] told LASD Detective Vegte that they had not identified [redacted] at the field show up and would not be able to do so at the line-up.

Witness Statements

[redacted]

On October 12, 2009, investigators interviewed [redacted] in jail.[3]

On the day of the incident, he was walking east on the north sidewalk of Alondra Boulevard toward Bellflower Boulevard, when a female deputy with short hair (Smith) stopped her patrol car and contacted him. The deputy had been traveling west on Alondra Boulevard. She was holding her handgun in her right hand when she exited her vehicle. As [redacted] approached Smith, she was holding her gun with both hands pointed at his feet and ordered him to "come here, come here." When he saw the gun, [redacted] became scared and ran south across Alondra Boulevard while Smith was yelling, "Stop running, Stop, Stop!" When [redacted] was about half way across Alondra Boulevard with his back to Smith, he heard a gun shot. He did not know how far Smith was behind him at the time of the shot and he did not see her fire the gun. He heard the shot about two to three seconds after he began to run away. He heard the bullet "whiz" by his right side.

After his arrest, while in the back seat of a patrol car, [redacted] heard Smith tell seven or eight other deputies that she had "shot at him."

Investigators confronted [redacted] with his statement to a lieutenant on the evening of his arrest that the deputy shot at him and then he ran away from her. [redacted] denied making that statement.

[redacted] **Witnesses**

ICIB investigators interviewed 10 [redacted] students who were attending class [redacted] from where Smith contacted [redacted] The students consistently reported that they heard one loud bang or gun shot, looked out the window and saw a male being chased by a female deputy with a gun or a taser in her hand. Some saw the gun pointed toward the ground, others saw it pointed forward. Several of the students saw the deputy using her radio while chasing the male.[4] None of the students saw the deputy fire the gun. The male and the deputy ran east on Alondra Boulevard. After several minutes, they saw the deputy walk back to her patrol car.

[redacted] a [redacted] heard "rapid gunfire" coming from the area of the church across the street from, and [redacted] of, the [redacted] He heard six "pops" and

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[redacted] criminal history includes [redacted]

[4] No gun shots were audible on Smith's radio broadcast, which was, "133T2, give me the patch. I'm chasing a 459 suspect at Ryon. Going at Ryon and Alondra. He's now going eastbound. He's now running one street south of Alondra."

one of his students commented that the sound was firecrackers.[5] He replied, "That's not firecrackers." Having experience with guns, [redacted] believed the sound was gunfire.

A few seconds after the gunfire, someone in his class said, "Hey, someone's running across the street." [redacted] looked out of the window and saw a man running across Alondra Boulevard. A few seconds later, he saw a female deputy sheriff chasing after him. The deputy was running with a handgun in her right hand. Her arm was fully extended forward, shoulder high and the gun was pointed at the man she was chasing. They crossed Alondra Boulevard and ran east on the sidewalk in front of the [redacted]

On October 13, 2009, investigators interviewed [redacted] students [redacted] and [redacted] at [redacted] where they are students. At the time of the incident, [redacted] and [redacted] were standing in front of the [redacted] waiting for a ride home.

[redacted] heard "one or two loud popping noises" from across the street. He saw a radio car and two people across the street. A male ran from the north curb into the street. The female "police officer" ran after him with a gun in her hand. They ran onto the south sidewalk and east on Alondra Boulevard, passing in front of him and [redacted] As they ran by, the police officer was holding her arm up in a forty-five degree angle, pointing the gun toward the male. With her other hand, she was talking into a radio. He heard her yell for the male to "freeze." They continued running south onto Ryon Avenue and out of view.

[redacted] was standing with her back to the street. She heard one "shot." When she turned in the direction of the sound, she saw a male running south across the street toward them. The female "cop" was chasing after him carrying a handgun. The deputy was holding the gun with both hands and had her arms extended forward at chest height. The two were almost to the south curb when she first saw them. The deputy was yelling for the male to "Please stop." They ran onto the sidewalk and eastbound past her, coming within a foot of her as they ran by. When they reached the corner, they turned and [redacted] ran back into the [redacted]

LEGAL ANALYSIS

Penal Code section 246.3(a) provides that, "any person who willfully discharges a firearm in a grossly negligent manner which could result in injury or death to a person is guilty of a public offense."

To prove the crime of negligent discharge of a firearm, California Criminal Jury Instructions (CALCRIM) No. 970 requires the People to prove that:

1. The defendant willfully shot a firearm;

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[5] [redacted] was the only witness to report hearing multiple shots.

2. The defendant did the shooting with gross negligence; and
3. The shooting could have resulted in the injury or death of a person.

CALCRIM No. 970 provides further that "*Gross negligence* involves more than ordinary carelessness, inattention, or mistake in judgment."

The evidence strongly suggests that Smith's gun discharged at about the time she exited the patrol car to contact [redacted] first statement was that the deputy shot at him and then he ran away. The [redacted] witnesses consistently reported that they heard a shot and then saw the male running across Alondra Boulevard with the deputy in pursuit. The casing from Smith's gun was recovered near the north curb of Alondra, where Smith stopped to contact [redacted] However, there is insufficient evidence to prove that Smith discharged her firearm intentionally. [redacted] first stated that Smith shot at him, but in his second statement he said he did not see her fire the gun because he was running away. Similarly, the [redacted] witnesses only heard the shot and then saw the foot pursuit across Alondra Boulevard. The reasonable inference from the evidence is that Smith's gun discharged accidentally when she drew it to detain the burglary suspect. The consciousness of guilt from the fact that Smith never reported the discharge to anyone is just as likely attributable to her reluctance to admit to an accidental discharge as to an intentional one.

Also, there is insufficient evidence to prove that the shooting was done with gross negligence. The credibility of [redacted] statement that he heard the bullet "whiz by" is questionable. [redacted] first statement that the deputy shot at him and then he ran away is inconsistent with his second statement that he was shot at while running away. Further, [redacted] was more motivated to attribute his flight from the police to a crazed deputy than to the recent burglary for which he was arrested. Finally, [redacted] extensive criminal history further undermines his credibility. There is no other evidence as to the direction in which Smith's gun was pointed when it discharged. There is simply no credible evidence that the shooting of the firearm could have resulted in the injury or death of a person.

Based upon the foregoing analysis, we find insufficient evidence to prove that Patrina Smith committed the crime of negligent discharge of a firearm. Therefore, we decline to initiate criminal proceedings against Patrina Smith. We are closing our file and will take no further action in the matter.